

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

BOBBY GENE NEELEY, JR.,

Plaintiff,

v.

STATE OF TENNESSEE, et. al.,

Defendants.

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No. 1:12-cv-107

Chief Judge Curtis L. Collier

MEMORANDUM

The Court is in receipt of a *pro se* complaint, filed pursuant to 42 U.S.C. § 1983, by Bobby Gene Neely, Jr. (“Plaintiff”) (Court File No. 1) and a prisoner trust fund account statement (Court File No. 2). Plaintiff, however, did not file an application to proceed *in forma pauperis*. Because Plaintiff failed to pay the \$350.00 filing fee or submit an *in forma pauperis* application, the Court issued a deficiency order on April 18, 2012 (Court File No. 3). The Court’s Order directed Plaintiff to file, within thirty (30) days from the date of the Order, a properly completed form § 1983 complaint and the necessary trust account documents (Court Doc. 3). Plaintiff was forewarned that failure to return the completed documents within the time required would result in the dismissal of his case for lack of prosecution.

Plaintiff has not responded to the Court’s April 18, 2012, Order. Plaintiff’s failure to timely respond to the Court’s Order results in a finding by the Court that Plaintiff has failed to comply with its Order. Consequently, the Court will dismiss Plaintiff’s complaint for noncompliance with its Order and failure to prosecute.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order.

This authority is based on the Court's inherent authority to control its docket and prevent undue delays in the disposition of pending cases.

Therefore, this action will be **DISMISSED** *sua sponte* for Plaintiff's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

An appropriate Judgment will enter.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE